

## STATE SUPREME COURT

CHARLESTON

DO NOT REMOVE  
FROM FILE

James W. Berry Sr.

v

Civil Action No 090243

Judge Alfred Ferguson

Writ of Prohibition  
Exhibit

March 4, 2009

To: Clerk of Court

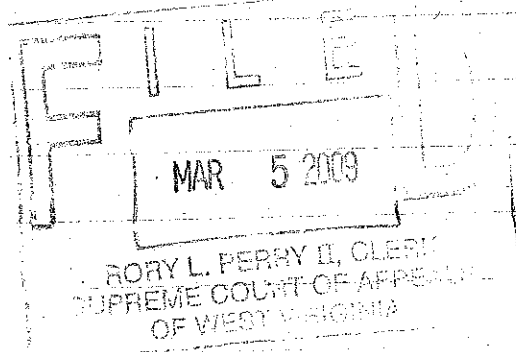
Mr Rory Perry, Clerk

Dear Mr. Berry, Clerk

Please find herein copy of Exhibit  
submitted to the Court to again give Mt Olive  
as fact of Record, to issues of this case

Sincerely yours

*James W. Berry Sr*  
James W. Berry Sr



*Original*

*Civil No 090243*


## EXHIBIT

Upon the conversations of myself James William Berry, Sr. # 12723 at Mount Olive, and the Unit Team of Stuart Hall in the years of 2007, 2008 and now 2009, I submit this as fact of record and notarize it as a true fact .

This was not take until the Calcification hearing, though prepared on the day I signed for a hearing on March 4, 2009, thus submitted to the respective Courts prior to Mt. Olive entering it into my records..

The fact is that upon informing Mt. Olive staff of the facts, I am always stonewalled with claims that do not comply to law. First No person retired and not specially appointed to a case, can claim tp be a judge of case, that violated jurisdictional law as well as W. Va. Const. Art. VIII §3 and § 5 interference by usurpitation of a judge.

Mt. Olive claims it only goes by what is in their records for clarification, and refuse to examine the facts of record, with excuses that Well you are here by a lawful Court order , of which this exhibit clearly shows I am not, and they know it, per the March 3 1997 Court Order of the State Supreme Court, that I have shown them, and placed into record as fact.



Signature

### VERIFICATION

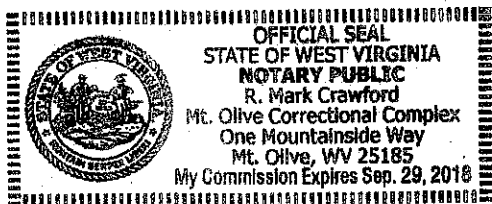
I James W. Berry, Sr. State that the facts herein are true and correct, to the best of my knowledge, for the Courts of Pending actions, under the penalty of surgery if no true.

*[Signature]*

Taken sworn to and subscribed before me R Mark Crawford, a Notary

Public on this 4<sup>th</sup> Day of MARCH, 2009

My commission expires, SEPT 29, 2018



SEAL *[Signature]*

Original

CLASSIFICATION

OBJECTION

James W. Berry, Sr. #12723

March 4, 2009

Upon the Stuart Hall Classification actions of March 4, 2009 I submit the following Objection to a documented fraud to an illegal incarceration, without lawful authority.

You claim that you base your Actions upon Records signed by Judges, and have no authority to question the legality of your records. No such Judges Existed in 1997.

Attached is a State Supreme Court Order of 1997 by Chief Justice Margaret Workman, that shows and Proves your records are a fraud of ~~the~~ law on illegal actions, that are a pending Court action with criminal conspiracy attached in both state and Federal Court, as a fact of record of Pending Court actions.

Respectfully

SEE, W.Va Const. Art VIII §30 & §35 ~~James W. Berry Sr.~~ #12723  
Judges and Authority James W. Berry Sr.

CC File & Pending

Wayne Circuit Court - Habeas

Southern District Court - Writ of Prohibition

State Supreme Court Writ & Criminal Complaint

U.S. Justice Dept, CRIMINAL COMPLAINT

Exhibit

Civil No. 03,09-Civ-000

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

RE: RECALL OF THE HONORABLE JAMES O. HOLLIDAY TO ACTIVE SERVICE TO PROVIDE ASSISTANCE IN HEARING CERTAIN CASES IN THE CIRCUIT COURT OF WAYNE COUNTY, TWENTY-FOURTH JUDICIAL CIRCUIT, DURING THE PERIOD APRIL 3, 1997 THROUGH DECEMBER 31, 1997

WHEREAS, the Honorable Darrell Pratt was recently appointed as Judge of the Twenty-Fourth Judicial Circuit, to fill the vacancy created by the resignation of the Honorable Robert Chafin; and

WHEREAS, prior to his appointment as Circuit Judge, Judge Pratt served as Prosecuting Attorney of Wayne County for a number of years, and therefore, is disqualified from hearing certain criminal cases, as well as certain juvenile delinquency and abuse and neglect proceedings; and

WHEREAS, as a result of his previous position as Prosecuting Attorney of Wayne County, Judge Pratt has requested assistance in hearing cases in which he deems himself disqualified; and

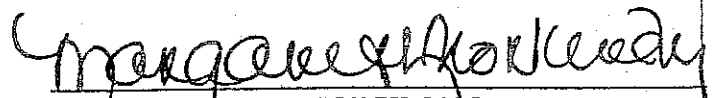
WHEREAS, the Chief Justice, upon review thereof, deems such request to be warranted;

IT IS THEREFORE ORDERED that the Honorable James O. Holliday, Senior Status Judge, be, and he hereby is, recalled for temporary assignment to the Circuit Court of Wayne County, in the Twenty-Fourth Judicial Circuit, under the provisions of Article VIII, Sections 3 and 8, of the Constitution of West Virginia, and W. Va. Code, 51-9-10, for the purpose of presiding in all criminal, juvenile delinquency, and abuse and neglect proceedings in which the Honorable Darrell Pratt deems himself to be disqualified; and

IT IS FURTHER ORDERED that Judge Holliday be, and he hereby is, authorized to enter orders and otherwise conclude matters considered or heard by him during the period of assignment referenced above; and

IT IS FURTHER ORDERED that the Circuit Clerk of Wayne County record this order in the office of said Clerk and that proceedings be held in the manner provided by law.

ENTER: APRIL 3, 1997 . .

  
MARGARET L. WORKMAN  
Chief Justice